

87th Legislative Session – 2012

Committee: Senate Commerce and Energy

Tuesday, February 14, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
E Buhl
P Johnston
P Lederman
P Rave
P Nygaard, Vice-Chair
P Nelson (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Vice-Chair, Senator Nygaard.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 10TH

Moved by: Rave
Second by: Johnston
Action: Prevailed by voice vote.

MOTION: CONFIRM APPOINTMENT OF PAMELA ROBERTS OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE DEPARTMENT OF LABOR AND REGULATION

Moved by: Johnston
Second by: Adelstein
Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard

Excused: Buhl, Nelson (Tom)

HB 1059: revise Article 9 of the Uniform Commercial Code.

THE CHAIR DEFERRED HB 1059 UNTIL ANOTHER DAY

HB 1033: clarify certain requirements relating to insurance examinations.

Presented by: Merle Scheiber, Department of Labor and Regulation

MOTION: DO PASS HB 1033

Moved by: Rave

Second by: Lederman

Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard

Excused: Buhl, Nelson (Tom)

MOTION: PLACE HB 1033 ON CONSENT CALENDAR

Moved by: Johnston

Second by: Rave

Action: Prevailed by voice vote.

HB 1034: revise the circumstances under which alterations may be made to certain insurance applications.

Presented by: Randy Moses, Department of Labor and Regulation

MOTION: DO PASS HB 1034

Moved by: Rave

Second by: Johnston

Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard

Excused: Buhl, Nelson (Tom)

MOTION: PLACE HB 1034 ON CONSENT CALENDAR

Moved by: Johnston
Second by: Rave
Action: Prevailed by voice vote.

HB 1035: allow the disclosure of the status of certain insurance investigations and examinations.

Presented by: Randy Moses, Department of Labor and Regulation

MOTION: DO PASS HB 1035

Moved by: Rave
Second by: Johnston
Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard

Excused: Buhl, Nelson (Tom)

MOTION: PLACE HB 1035 ON CONSENT CALENDAR

Moved by: Johnston
Second by: Rave
Action: Prevailed by voice vote.

HB 1071: increase the benefits that the Insurance Guarantee Association may become obligated to cover for annuities.

Presented by: Senator Dan Lederman
Proponents: Representative Mark Willadsen
Merle Scheiber, Department of Labor and Regulation
Dick Gregerson, American Council of Life Ins.

MOTION: AMEND HB 1071

1071ra

On page 8, after line 13 of the printed bill, insert:

" Section 2. The provisions of this Act apply to coverage the guaranty association provides in connection with a member insurer that is placed under an order of liquidation with a finding of insolvency on or after January 1, 2012.

Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval retroactive to January 1, 2012."

Moved by: Adelstein
Second by: Rave
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1071 AS AMENDED

Moved by: Rave
Second by: Lederman
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

Excused: Buhl

MOTION: AMEND TITLE OF HB 1071

1071rta

On page 1, line 2, of the printed bill, after "annuities" insert ", to provide for retroactive application, and to declare an emergency".

Moved by: Rave
Second by: Adelstein
Action: Prevailed by voice vote.

HB 1073: prohibit certain indemnity provisions in motor carrier transportation contracts.

Presented by: Senator Mark Johnston
Proponents: Myron Rau, SD Trucking Association (Handout #1)

MOTION: DO PASS HB 1073

Moved by: Rave
Second by: Adelstein
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

Excused: Buhl

MOTION: PLACE HB 1073 ON CONSENT CALENDAR

Moved by: Johnston

Second by: Adelstein

Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Johnston

Second by: Rave

Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Eldon Nygaard, Vice-Chair